

FILED

UNITED STATES DISTRICT COURT JAN 28 2016

for the

SOUTHERN DISTRICT OF TEXAS

Clerk of Court

United States of America)

v.)

Case No. M-16-0154-M

Abelardo CANTU Jr. (YOB: 1997))

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 1/28/2016 in the county of Hidalgo in the
SOUTHERN District of TEXAS, the defendant(s) violated:

Code Section

Offense Description

21 USC 841 (a) (1)

Knowingly and intentionally possess with
intent to distribute approximately 130.0
kilograms of marijuana, a schedule I
controlled substance.

This criminal complaint is based on these facts:

on January 28, 2016, Border Patrol Agents Raul Gonzalez Jr., Fernando Soto, Arturo Bautista Jr., and Alfred Gagne were conducting line watch operations near Los Ebanos City, Texas. At approximately 0700 hours, a black sedan was observed loitering near Los Ebanos and Military Highway. Aerostat (Alpha 1) observed multiple subjects on the Mexican side carrying what appeared to be large brown bundles of possible narcotics. Alpha 1 advised ground agents that the subjects were on a raft proceeding towards the United States side. At approximately 0710 hours Border Patrol Agent Raul Gonzalez Jr. maintained a concealed position and was able to observe a black sedan approaching the river (SEE ATTACHMENT I)

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date:

1-28-16

City and state: McAllen, Texas

Complainant's signature

Roberto Quintanilla, DEA/TFO

Printed name and title

Judge's signature

Dorina Ramos, Magistrate Judge

Printed name and title

Attachment I

near the location of the subjects. Agent Raul Gonzalez Jr. then approached the subjects and identified himself as a Border Patrol Agent. The subjects abandoned the narcotics and absconded back into Mexico. The driver of the black sedan attempted to flee the scene but lost control of the vehicle and crashed into a nearby tree. The driver then attempted to flee on foot. Alpha 1 maintained a constant visual of the situation and advised ground agents of the drivers' location. Border Patrol Agent Fernando Soto, who was driving south on Los Ebanos Rd, observed a subject matching description and apprehended him. The subject was identified by his Texas Identification card to Abelardo CANTU Jr.

Abelardo CANTU Jr. was transported to the McAllen, Texas Border Patrol Station by Border Patrol Agent Arturo Bautista Jr and Border Patrol Agent Alfred Gagne. The vehicle, a black Chevrolet Cruze Sedan displaying Mexico License plate XJD-16-64, and a total of five (5) bundles were secured and taken to the McAllen, Texas Border Patrol Station as well. The bundles were confirmed to contain marijuana and had a total approximate weight of 154 kilograms.

On January 28, 2016, at about 10:00 am DEA TFO Roberto Quintanilla and DEA TFA Gilberto Sotelo arrived at the McAllen Border Patrol Station and interviewed Abelardo CANTU Jr. At this time TFO Quintanilla as witnessed by TFA Sotelo, read CANTU his Miranda rights in his preferred language of English. CANTU stated that he understood his Miranda Rights and agreed to speak to agents. CANTU then signed an Advise of Rights form. CANTU stated that on January 27, 2016, the date before his arrest, he (CANTU) met with an unidentified male and asked for work because he (CANTU) was in financial need. CANTU stated the unidentified male propositioned him (CANTU) to pick up a load by a dirt road south of the La Joya, Tx area. CANTU stated that the unidentified male provided him (CANTU) with a cellphone and instructed he (CANTU) should be by the first Stripes Convenience store at 07:00 am. CANTU stated that on the date of his (CANTU) arrest contact was made with the unidentified male at about 06:30 am. CANTU stated he was instructed to drive south from the convenience store till he (CANTU) arrived at a dirt road and a male subject would be waiting to give him (CANTU) directions. CANTU stated that at approximately 07:00 am he (CANTU) arrived at the designated area and observed a unidentified male subject waving at him. CANTU stated as he (CANTU) drove up to the subject and he (CANTU) was directed to park the vehicle. CANTU stated that he (CANTU) then observed about five male subjects, who were all

carrying black bundles, walking in his (CANTU) direction. CANTU stated that suddenly he observed all the subjects drop the bundles and proceeded to run in a south bound direction. CANTU stated that at this time someone began to bang on the window of his (CANTU) vehicle, which caused him (CANTU) to panic and drive, away from the area. CANTU stated he (CANTU) lost control of the vehicle and it struck a tree. CANTU stated he (CANTU) then ran from the vehicle but was quickly approached by a Border Patrol vehicle and advised he (CANTU) was under arrest. CANTU stated he (CANTU) was going too paid between eight hundred (\$800) to one thousand (\$1000) U.S. dollars. CANTU further stated he (CANTU) was in the area to pick up a load of marijuana.